IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 692(S/S)2007

Yogendra Prakash S/o Sri Jiwan Prakash,
At present posted as Prabhari Range Officer, Khankara Range,
Dungri Pant, Rudraprayag Forest Division,
District Rudraprayag. -------Petitioner.

Vs.

1. Conservator of Forests, Garhwal Circle Pauri,
   District Pauri Garhwal,
2. Division Forest Officer,
   Rudraprayag Forest Division, Rudraprayag,
3. Jagat Singh, Prabhari Range Officer,
   South Jakholi Range,
   C/o Rudraprayag Forest Division,
   Rudraprayag. ---------Respondents.

Sri. N.S. Negi learned counsel for the petitioner.
Sri. Paresh Tripathi, learned Standing Counsel for State of Uttarakhand/respondent nos. 1 & 2,
None for respondent no. 3.

Hon'ble M.M. Ghildiyal, J.

Heard Sri N.S. Negi, learned counsel for the petitioner and Sri. Paresh Tripathi, learned Standing Counsel for State of Uttarakhand/respondent nos. 1 & 2. None is present for respondent no. 3.

This Court on 20.06.2007 granted three weeks' time to the respondent nos. 1 & 2 to file counter affidavit, but no counter affidavit is filed till date.

The petitioner, by means of this writ petition has prayed to issue a writ in the nature of certiorari for quashing of the impugned transfer order dated 23.04.2007 (annexure no. 1) passed by Divisional Forest Officer, Rudraprayag Forest Division, Rudraprayag transferring respondent no. 3, namely Sri Jagat Singh-Prabhari Range Officer, South Jakholi Range

(Rudraprayag Forest Division, Rudraprayag) to Khankara Range, where the petitioner was already working on the post of Prabhari Range Officer. Learned counsel for the petitioner has vehemently contended that no order was passed by the Divisional Forest Officer, Rudraprayag Forest Range, Rudraprayag transferring the petitioner from Khankara Range. The matter of transfer of petitioner from Khankara Range to another Division has already been recommended by the Divisional Forest Officer to the Chief Conservator of Forests, Garhwal Circle however, till date no order has been passed by the Chief Conservator of Forests, Garhwal Circle.

It is alleged by the petitioner that the respondent no. 2 is insisting the petitioner to handover the charge of this Range to respondent no.3. But until or unless, the petitioner is not transferred by the Divisional Forest Officer from Khankara Range to other Range or outside the Division by the Chief Conservator of Forests, the District Forest Officer cannot insist the petitioner to handover his charge to anyone else.

In these circumstances, I deem it fit and proper to direct the Chief Conservator of Forests, Garhwal Circle, Pauri to look into the entire matter and pass appropriate orders in accordance with law within a period of three weeks from the date of production of a certified copy of this order, keeping in view the facts and circumstances of the case.

With these directions, the writ petition is finally disposed of. No order as to costs.

M.M. Ghildiyal, J.)

July 19, 2007:
NCM: